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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION FIVE

ROBIN ROSEN,

Plaintiff,

v.

JAI SINGH et al.,

Defendants;

GLENN M. ROSEN,

Objector and Appellant.

B236889

(Los Angeles County Super. Ct.  
No. BC441076)

APPEAL from an order of the Superior Court of Los Angeles County, Luis A. Lavin, Judge. Affirmed.

Law Offices of Glenn M. Rosen and Glenn M. Rosen, in pro. per., for Objector and Appellant.

Glenn M. Rosen, attorney for plaintiff Robin Rosen, appeals from the August 29, 2011<sup>1</sup> order of the superior court imposing sanctions upon him in the amount of \$3,000 pursuant to Code of Civil Procedure section 128.7. We affirm the order.

Following our initial review of the record and Rosen's opening brief, we notified Rosen by letter that it appeared the record did not include all the documents relating to the sanctions order, nor a reporter's transcript of the hearing on the order to show cause re sanctions for purposes of appellate review. In response, Rosen submitted a reporter's transcript of the sanctions hearing. This court augmented the record to include the reporter's transcript submitted by Rosen. In his letter, Rosen also represented he could provide copies of the amended complaint and a response to a demurrer. This court granted Rosen an additional ten days to file a further motion to augment, although no motion has been received.

The record on appeal is inadequate for appellate review. The record does not contain any of the pleadings that were the basis of the sanctions order. In particular, the record lacks the operative complaint, the demurrer, the response to the demurrer, and the trial court's order to show cause. These documents are necessary for resolution of Rosen's appeal.

In addition, the reporter's transcript filed by Rosen reveals that Rosen opposed the sanctions order, in part, based upon a purported statement of the trial court at an earlier hearing. Without a transcript of that earlier hearing, the record is inadequate for appellate review.

"In numerous situations, appellate courts have refused to reach the merits of an appellant's claims because no reporter's transcript of a pertinent proceeding or a suitable substitute was provided. (*Maria P. v. Riles* (1987) 43 Cal.3d 1281, 1295-1296 [attorney fee motion hearing]; *Ballard v. Uribe* (1986) 41 Cal.3d 564, 574-575 (lead opn. of Grodin, J.) [new trial motion hearing]; *In re Kathy P.* (1979) 25 Cal.3d 91, 102 [hearing

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<sup>1</sup> Rosen asserts that the appeal also involves a sanction order dated November 29, 2011, in the amount of \$1,500. This is incorrect, as the record on appeal does not contain a second sanctions order or a notice of appeal from the purported order.

to determine whether counsel was waived and the minor consented to informal adjudication]; *Vo v. Las Virgenes Municipal Water Dist.* (2000) 79 Cal.App.4th 440, 447, [trial transcript when attorney fees sought]; *Estate of Fain* (1999) 75 Cal.App.4th 973, 992 [surcharge hearing]; *Hodges v. Mark* (1996) 49 Cal.App.4th 651, 657 [nonsuit motion where trial transcript not provided]; *Null v. City of Los Angeles* (1988) 206 Cal.App.3d 1528, 1532 [reporter's transcript fails to reflect content of special instructions]; *Buckhart v. San Francisco Residential Rent Etc., Bd.* (1988) 197 Cal.App.3d 1032, 1036 [hearing on Code Civ. Proc., § 1094.5 petition]; *Sui v. Landi* (1985) 163 Cal.App.3d 383, 385-386 [motion to dissolve preliminary injunction hearing]; *Rossiter v. Benoit* (1979) 88 Cal.App.3d 706, 712-713 [demurrer hearing]; *Calhoun v. Hildebrandt* (1964) 230 Cal.App.2d 70, 71-73 [transcript of argument to the jury]; *Ehman v. Moore* (1963) 221 Cal.App.2d 460, 462-463 [failure to secure reporter's transcript of settled statement].) (*Foust v. San Jose Construction Co., Inc.* (2011) 198 Cal.App.4th 181, 186-187.)

A judgment or order of the trial court is presumed correct and prejudicial error must be affirmatively shown. (*Denham v. Superior Court* (1970) 2 Cal.3d 557, 564.) Because we presume the judgment of the trial court is correct, the judgment must be affirmed if the appellant fails to provide an adequate record for review. (*Foust v. San Jose Construction Co., Inc., supra*, 198 Cal.App.4th at pp. 186-187; *Hernandez v. California Hospital Medical Center* (2000) 78 Cal.App.4th 498, 502.)

Here, the record on appeal is missing essential documents and a reporter's transcript. Under these circumstances, we presume the judgment is correct and affirm.

KRIEGLER, J.

We concur:

TURNER, P. J.

ARMSTRONG, J.